

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDYSTONE RAIL COMPANY, LLC,

Plaintiff,

v.

BRIDGER LOGISTICS, LLC, et al.

Defendants.

Case No. 2:17-cv-00495-JDW

ORDER

AND NOW, this 9th day of March, 2022, upon consideration of Plaintiff Eddystone Rail Company, LLC's Motion To Modify Protective Order (ECF No. 532), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** as follows:

1. Eddystone's Motion (ECF No. 532) is **GRANTED IN PART**;
2. Paragraph 20 of the Stipulated Protective Order (ECF No. 63) is

AMENDED as follows:

USE OF INFORMATION PRODUCED IN THIS LITIGATION

20. Absent a separate order by a court of appropriate jurisdiction, all documents, information and testimony produced in this Litigation by a Producing Party, regardless of designation (i.e., whether designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY", or not designated), and the substance or contents thereof, including any notes, memoranda or other similar documents relating thereto, that is not otherwise publicly available, shall be used by the Party (or Parties) who receives the production ("Receiving Party") solely for the purposes of this Litigation (including for prosecuting, defending or attempting to settle this Litigation), or appeals of this Litigation, or for any Party to pursue claims for indemnification, contribution, enforcement, or insurance coverage related to this Litigation. Produced documents, information and testimony shall not

be disclosed, published, disseminated, or communicated to anyone, either directly or indirectly, or used in any other legal, regulatory and/or other proceeding (whether or not involving the same Parties), or for any other purpose, except as expressly allowed by this Protective Order.

Pursuant to this Protective Order, Eddystone Rail Company, LLC may use documents, information, and testimony that Defendants have produced in this matter for the limited purpose of filing an amended complaint in the related matter pending in the United States District Court for the Southern District of New York: Eddystone Rail Company, LLC v. Bank of America, N.A. et al., Case No. 1:19-cv-09584 (GBD) (S.D.N.Y.) (the "Subsequent Transfer Litigation"). For the avoidance of doubt, this paragraph applies only to the use of documents for preparation of an amended complaint in the Subsequent Transfer Litigation and only to documents that Defendants have produced, not to documents that any third party has produced.

Nothing in this Protective Order shall prevent a Party from disclosing or using materials initially generated and maintained by it, or lawfully received by it, as it deems appropriate.

and

3. Ten days prior to filing a motion to amend the complaint or an amended complaint in the Subsequent Transfer Litigation, Eddystone shall provide Defendants with a copy of the proposed amended complaint in the Subsequent Transfer Litigation, including any and all exhibits attached thereto, so that Defendants may take appropriate measures to protect their confidential information in that Litigation, to the extent necessary.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.